

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOROTHY GRANT,  
Plaintiff,

v.

WESTAFF TEMPORARY AGENCY,  
Defendant

No. C-04-0277 MMC

**ORDER DENYING POST-JUDGMENT  
MOTIONS WITHOUT PREJUDICE**

(Docket No. 92, 94)

Before the Court are two post-judgment motions filed by plaintiff Dorothy Grant ("Grant"): (1) a motion filed February 6, 2006 to "vacate summary judgment"; and (2) a motion filed February 7, 2006 for reconsideration of the Court's January 6, 2006 order granting summary judgment for defendant Westaff Temporary Agency ("Westaff"). Both motions suffer from a number of defects.

First, Grant has not submitted any evidence in support of her motions. The Court may not consider the statements of fact contained in her motions unless they are contained in a declaration filed under penalty of perjury. See 28 U.S.C. § 1746.

Second, the motions are not accompanied by proofs of service attesting that the motions have been served on Westaff. The proofs of service filed by Grant attest only that the motions were served on the Court. The Court may not consider motions that are not served on the opposing party except under rare circumstances not present in the instant

1 action. See Fed. R. Civ. P. 5(a) (“[E]very written motion . . . shall be served upon each of  
2 the parties.”)


3 Third, Grant has not noticed the motions for a hearing. Pursuant to Civil Local Rule  
4 7-2, “all motions must be . . . noticed in writing on the motion calendar of the assigned  
5 judge for hearing not less than 35 days after service of the motion.” See Civil L.R. 7-2.

6 Accordingly, Grant’s post-judgment motions are hereby DENIED, without prejudice  
7 to Grant’s filing a new post-judgment motion that remedies the defects noted above.

8 This order terminates Docket Nos. 92 and 94.

9 **IT IS SO ORDERED.**

10 Dated: February 13, 2006

  
MAXINE M. CHESNEY  
United States District Judge